

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MEMORANDUM

From: Steven Jawgiel (ORC-1)

A handwritten signature in black ink, appearing to be "SJ", is written next to the "From:" line.

To: Ivry Johnson (PPA-2)

Date: July 9, 2015

Re: Conversion of Subpoena to FOIA Request
Mike Albert Topete, et al.v. Santa Clara Waste Water, Co., et al.
[Ventura County Superior Court No. 56-2015-00465970]

Hello Ivry,

Enclosed is a copy of the subpoena Yuk K. Law, Esq. issued on EPA. Pursuant to 40 C.F.R. §2.405, EPA is automatically converting this subpoena into a document request under the Freedom of Information Act (FOIA). A description of the documents being sought can be found in "Attachment 3" of the Deposition Subpoena."

Ivry, I greatly appreciate your assistance. Feel free to contact me at 2-3876 with any questions.

Attachments



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

July 9, 2015

Yuk K. Law, Esq.
Law, Brandmeyer & Packer, LLP
245 S. Los Robles Avenue, Suite 600
Pasadena, CA 91101

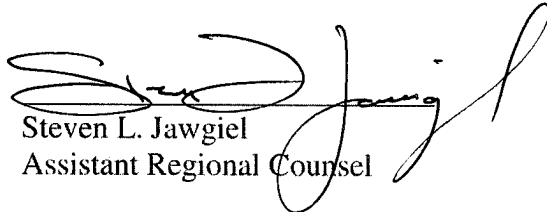
Re: Mike Albert Topete, et al.v. Santa Clara Waste Water, Co., et al.
[Ventura County Superior Court No. 56-2015-00465970]

Dear Mr. Yuk:

The U.S. Environmental Protection Agency (EPA) in receipt of your subpoena in the above-reference matter. Pursuant to 40 C.F.R. §2.405, EPA converted your subpoena to a request for information under the Freedom of Information Act (FOIA).

If you have any questions about the status of your FOIA request, please contact the Region 9 FOIA Officer, Ivry Johnson, at (415) 947- 4251.

Thank you for your cooperation.


Steven L. Jawgiel
Assistant Regional Counsel

cc: Los Angeles Records Service
c/o Mike Albert Topete
10073 Valley View Street, Suite 221
Cypress, CA 90630

W/O#: 34093

Los Angeles Records Service

10073 Valley View St., Ste. 221
Cypress, CA 90630



P: 714-828-5679
F: 877-420-5573
larecords@sbcglobal.net

HOW TO COMPLY WITH THIS SUBPOENA

SUBPOENA FOR RECORDS ONLY

TO: ENVIRONMENTAL PROTECTION AGENCY
75 HAWTHORNE ST.
SAN FRANCISCO, CA 94105

DATE: 6/18/15

ATTN: RECORDS DEPARTMENT

RE: MIKE ALBERT TOPETE

DOB:

SSN:

Records Requested: See Attachment 3 of Subpoena

YOU MUST COMPLY WITH THIS REQUEST ON OR BEFORE 7/15/15

Please choose ONE of the following three options and provide: your name: _____ your phone #: _____

Option 1. If RECORDS ARE AVAILABLE for copy or pick up:

NOTIFY US VIA PHONE OR FAX WHEN RECORDS ARE READY FOR US TO:

☐ COPY OR ☐ PICK UP

LOCATION ADDRESS:

TYPE(s) OF RECORDS READY:

COPY OR PICK-UP DAYS/HOURS:

☐ Medical ☐ Billing ☐ Other

Have a 3rd party biller?

Please provide contact phone #: _____

COMPLETE and **SIGN** the attached DECLARATION OF CUSTODIAN OF RECORDS and:
(LOCATED ON THE LAST PAGE OF THIS REQUEST)

Notify us via **PHONE** by calling TRENT at: (714) 828-5679, or

Notify us via **FAX** by filling out this form and faxing to: (877) 420-5573

*Please note: California Evidence Code 1560(e) states "Normal business hours ... means those hours that the business of the witness is normally open for business to the public."

Option 2. If RECORDS ARE AVAILABLE to mail or fax:

COMPLETE and **SIGN** the attached DECLARATION OF CUSTODIAN OF RECORDS and:
(LOCATED ON THE LAST PAGE OF THIS REQUEST)

MAIL DECLARATION AND RECORDS TO: L.A. Records Service, 10073 Valley View St., Ste. 221, Cypress, CA 90630

-or-

FAX DECLARATION AND RECORDS TO: (877) 420-5573

Option 3. If RECORDS ARE NOT AVAILABLE:

COMPLETE and **SIGN** the attached DECLARATION OF CUSTODIAN OF RECORDS and:
(LOCATED ON THE LAST PAGE OF THIS REQUEST)

MAIL DECLARATION TO: L.A. Records Service, 10073 Valley View St., Ste. 221, Cypress, CA 90630

-or-

FAX DECLARATION TO: (877) 420-5573

W/O#: 34093

Enclosed check #: _____

Check amount: _____

Thanking you in advance,

Los Angeles Records Service

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) YUK K. LAW, ESQ. SBN: 138928 <i>Oreg Bunch</i> LAW BRANDMEYER + PACKER LLP 245 S. LOS ROBLES AVE., STE 600, PASADENA, CA. 91101 TELEPHONE NO: 626-243-5500 FAX NO: 626-243-4799 E-MAIL ADDRESS: 4782		FOR COURT USE ONLY <i>7/15/15</i> <i>39043</i>
ATTORNEY FOR (Name) DEFENDANT <i>OBunch@lawbrandmeyer.com</i>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS 800 S. VICTORIA AVE. MAILING ADDRESS CITY AND ZIP CODE VENTURA, CA 93009 BRANCH NAME HALL OF JUSTICE		
PLAINTIFF/PETITIONER: MIKE ALBERT TOPETE, et al. DEFENDANT/RESPONDENT SANTA CLARA WASTE WATER, CO., et al.		
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS		CASE NUMBER 56-2015-00465970

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Custodian of Records for: ENVIRONMENTAL PROTECTION AGENCY
 75 HAWTHORNE ST., SAN FRANCISCO, CA 94105

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Los Angeles Records Service
 On (date): 7-15-15 At (time): 9:00 AM
 Location (address): 10073 Valley View St., Ste. 221, Cypress, CA. 90630 Ph: 714-828-5679 Fx: 877-420-5573

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. ☒ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☒ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): MIKE ALBERT TOPETE

☒ Continued on Attachment 3. DOB: _____ SS. _____

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 6-15-15

YUK K. LAW, ESQ.

(TYPE OR PRINT NAME)

/s/ YUK K. LAW, ESQ.

(SIGNATURE OF PERSON ISSUING SUBPOENA)

ATTORNEY AT LAW

(Proof of service on reverse)

(TITLE)

Page 1 of 2

CASE TITLE: MIKE ALBERT TOPETE, et al. SANTA CLARA WASTE WATER, CO., et al.	CASE NUMBER: 56-2015-00465970
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ATTACHMENT (Number): 3*(This Attachment may be used with any Judicial Council form.)*Location: ENVIRONMENTAL PROTECTION AGENCY

Any and all records, including, but not limited to reports, investigations, interviews, photographs, diagrams, analyses, videos, computer modeling, laboratory tests and analyses, medical records, and any and all documents regarding the EPA's response and participation in the investigation of the explosion and subsequent fire at the Santa Clara Waste Water Company located at 815 Mission Rock Road, Santa Paula, California on November 18, 2014 and November 19, 2014.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1*(Add pages as required)*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): YUK K. LAW, ESQ. SBN: 138928 LAW BRANDMEYER + PACKER LLP 245 S. LOS ROBLES AVE., STE 600, PASADENA, CA. 91101 TELEPHONE NO.: 626-243-5500 FAX NO. (Optional): 626-243-4799 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): DEFENDANT		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 S. VICTORIA AVE. MAILING ADDRESS: CITY AND ZIP CODE: VENTURA, CA 93009 BRANCH NAME: HALL OF JUSTICE		
PLAINTIFF/ PETITIONER: MIKE ALBERT TOPETE, et al. DEFENDANT/ RESPONDENT: SANTA CLARA WASTE WATER, CO., et al.		
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)		CASE NUMBER: 56-2015-00465970

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): MIKE ALBERT TOPETE

- PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): LAW BRANDMEYER + PACKER LLP SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): 7-15-15
The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): ENVIRONMENTAL PROTECTION AGENCY
A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 6-15-15

YUK K. LAW, ESQ.

(TYPE OR PRINT NAME)

/S/ YUK K. LAW, ESQ.

(SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- ☐ I object to the production of all of my records specified in the subpoena.
- ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: MIKE ALBERT TOPETE, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: SANTA CLARA WASTE WATER, CO., et al.	56-2015-00465970

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☒ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. ☐ Personal service. I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. ☒ Mail. I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served: HELLER LACHAPPELLE, APC.	(3) Date of mailing: 6-15-15
(2) Address: 24025 PARK SORRENTO, STE. 240, CALABASAS, CA 91302	(4) Place of mailing (city and state): CYPRESS, CA.
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify): 10073 Valley View St., Ste 221, Cypress, CA 90630
- d. My phone number is (specify): 714-828-5679

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 6-15-15

SALLY LYON

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☐ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. ON THE REQUESTING PARTY
 - (1) ☐ Personal service. I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) ☐ Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. ON THE WITNESS
 - (1) ☐ Personal service. I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) ☐ Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 3. My residence or business address is (specify):
 4. My phone number is (specify):
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: _____

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

Los Angeles Records Service

10073 Valley View St., Ste 221
Cypress, California 90630
(714) 828-KOPY (5679) Fax (877) 420-5573
larecords@sbcglobal.net

DECLARATION OF CUSTODIAN OF RECORDS

Regarding MIKE ALBERT TOPETE

Location ENVIRONMENTAL PROTECTION AGENCY

I, the undersigned, being duly authorized as the Custodian of Records certify the following:

☐ **CERTIFICATION OF RECORDS COPIED:**

A. The records were prepared by the personnel of the business in the ordinary course of business at or near the time of the act, condition, or event.

B. Pursuant to Evidence Code Section 1560(e), the original records described in the Subpoena Duces Tecum/Deposition subpoena were delivered to the attorney or the attorney's representative for copying at the witness' place of business

☐ **CERTIFICATION OF NO RECORDS COPIED:**

☐ Records ☐ Billing

☐ X-rays ☐ Photos

☐ Records lost or destroyed

☐ Other: _____

A. That, a thorough search of our files, carried out under my direction and control revealed no documents, records or other things called for in the Authorization and/or Subpoena Duces Tecum presented to me.

B. That it is understood that such records could exist under another spelling, name or classification, but that with the information furnished our office, and to the best of our knowledge, no such records exist in our files.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at, _____
date city and state

Signature _____

Los Angeles Records Service has made true copies of all the original records delivered to us by the Custodian of the above indicated location.

Pursuant to Business and Professions Code Section 22462, I will maintain the integrity and confidentiality of information obtained under the applicable codes and distribute the records copied by Los Angeles Records Service to the authorized person or entities.

By: _____

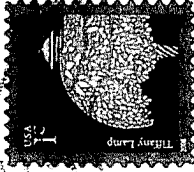


Ryan S. Brown, Los Angeles Records Service
PPC Registration # 200



LOS ANGELES RECORDS SERVICE, INC.

10073 Valley View St., Suite 221 • Cypress, CA 90630



9410882211

